

BEFORE THE
PHYSICAL THERAPIST LICENSING BOARD
OF THE STATE OF OREGON

In the Matter of the
Physical Therapist License of:

MICHAEL PENNINGTON, PT
License # 4031

Licensee.

) Case No.: PT 411-10/11

) STIPULATED AGREEMENT
) AND FINAL ORDER
)
)
)

The Oregon Physical Therapist Licensing Board (Board) is the state agency responsible for licensing and disciplining physical therapists and physical therapist assistants pursuant to ORS 688.140 and 688.160. Michael Pennington, PT (Licensee) is licensed by the Board to practice as a physical therapist in Oregon. The Board issued a Notice of Proposed Disciplinary Action on April 24, 2012. In lieu of proceeding to hearing, the Board and Licensee agree to resolve this case as follows:

STIPULATIONS

1. Licensee stipulates that for various short periods of time in 2008 and 2009 Licensee allowed his two teenage children to act as aides. During this time, the Licensee's two teenage children performed treatment related tasks with at least two patients. Although Licensee had trained his children as aides, neither of them met the minimum eligibility standards for being utilized as an aide, which require that an aide be at least 18 years of age and have received a high school diploma or equivalent. This conduct constitutes a violation of ORS 688.140(2)(a) (violation of Board rule), specifically OAR 848-020-0010(1) and (2) (use of an underage aide) and 848-040-0105(3) (delegation of tasks to unqualified persons).
2. Licensee stipulates that he failed to appropriately document that the training he provided met the Board requirement of 40 hours of aide training. Specifically, the documentation of the aide training that was performed failed to include the amount of time for each of the training activities and the names of instructors and signatures of aides. Licensee also failed to maintain the training documentation of

1 several aides at his clinic. This conduct constitutes a violation of ORS 688.140(2)
2 (a) (violation of Board rule), specifically OAR 848-020-0040(2) (documentation
3 and maintenance of aide training records).

4 3. Licensee stipulates to the assessment of a civil penalty in the amount of \$2,000;
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6 Dated this 8th day of June, 2012.

7 OREGON PHYSICAL THERAPIST
8 LICENSING BOARD
SIGNATURE ON FILE
9 James D. Meider, Executive Director

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11 **CONSENT**

12 I HEREBY CERTIFY that I have read and understand the provisions of this Stipulation and
13 Final Order. I understand that I have a right to a hearing with the assistance of legal counsel.
14 I freely and voluntarily waive all rights to a hearing, further appeal or judicial review in this
15 matter, and I understand that any violation of this Stipulation and Final Order shall be grounds
16 for additional discipline.

17 **SIGNATURE ON FILE**

18 By: _____

19 Michael Pennington, PT
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